

Tilburg University

Towards a Right to Cultural Identity? A review Essay

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Published in:
Leiden Journal of International Law

Publication date:
2003

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):
Pierik, R. H. M. (2003). Towards a Right to Cultural Identity? A review Essay. *Leiden Journal of International Law*, 16, 639-649.

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BOOK REVIEWS

Yvonne Donders, *Towards a Right to Cultural Identity?* Antwerp, Intersentia, 2002, 422 pp., ISBN 9050952380, €69.00.
DOI: 10.1017/S0922156503211389

1. CULTURE, IDENTITY AND MULTICULTURALISM

In the last ten years the concepts of culture and identity have regained popularity in political and legal analysis. Multiculturalism has become a prominent strand of thought in political and legal philosophy. Defenders of multiculturalism emphasize the plural character of contemporary societies, and argue that it is an issue of justice to accommodate these cultural differences by providing cultural rights for minority groups. Will Kymlicka in particular has done groundbreaking work in his defence of cultural rights as being consistent with social-liberal political theories such as those of Rawls and Dworkin.¹ Kymlicka's strategy has been to show that most liberal democratic governments have adopted policies to accommodate cultural differences and to recognize and promote minority cultures, for example through group differentiated rights. In doing this he shifted the burden of proof by pointing out the discontinuity between practices in liberal states and liberal political philosophy. He thus argued that since cultural rights are consistent with liberal political theory, they should be seen as an integral part of the liberal catalogue of rights. However, critics like Brian Barry argue that cultural rights undermine the legal protection of civil, political, and social rights that are normally offered by liberal states to individual members of minority groups.² Besides the recognition of cultural rights as citizenship rights within a (nation) state, cultural rights can also be interpreted and recognized as an element of the catalogue of *human rights*.

2. CULTURAL RIGHTS AS HUMAN RIGHTS

In her recent book, *Towards a Right to Cultural Identity?*, Yvonne Donders elaborates on cultural rights as a human rights provision, and focuses on the right to cultural identity. Her research is guided by two questions: should a right to cultural identity

1. W. Kymlicka, *Liberalism, Community, and Culture* (1989); *Multicultural Citizenship: A Liberal Theory of Minority Rights* (1995).
2. B. Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (2001).

be further developed as a *separate right* within the framework of international human rights law? if yes, what could be the nature, scope, and content of this right? (p. 9).

The international bill of human rights is codified in three instruments: the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). Five categories of human rights are distinguished: civil, political, social, economic, and cultural. It is a generally accepted view in international human rights law that all these human rights are equally important, and they are assumed to be an interdependent, indivisible, and interrelated part of the international bill of human rights (p. 2; ch. 4). However, cultural rights have received less attention than the other categories of human rights, especially civil and political rights. As a consequence, they are not well developed. Although there are references to the right to cultural identity in various instruments of international law, for example Article 27 UDHR and Article 15 ICCPR, a separate right to cultural identity has not yet been adopted as a subjective right. Donders gives three main categories of reasons for this immature status of such cultural rights: conceptual, political, and pragmatic. One important reason is the ontological vagueness of the term. Its conceptual building blocks, 'culture', 'identity', and 'community', are vague, and therefore are hard to translate into legal provisions (ch. 2). Moreover, there are political reasons for the underdeveloped status of cultural rights (p. 68). Governments have been very reluctant to control the cultural life of their community (with the exception of totalitarian regimes) and they also fear that strengthening cultural rights may lead to tensions in society, endanger national unity, and even fuel demands for separation. Finally, the emphasis on *sub-elements* of cultural identity in covenants (e.g. Article 15 ICESCR) ignores the encompassing character of culture and undermines the right to cultural identity *as such* as an operational concept in legal and political debates (*ibid.*).

The book is organized in two main parts. The first part (chs. 2–4) is an analysis of the conceptual and normative debates surrounding cultural identity as a human right. Donders draws upon information from anthropology and sociology for her description of culture and cultural identity; she analyzes arguments from political-theoretical defences (mainly based on Kymlicka's work, as described in section 1) for her description of cultural rights; and she presents an introduction of the human rights framework as a way of discussing the right to cultural identity within that framework. The second part of the book (chs. 5–11) analyzes several established human rights provisions to determine how the right to cultural identity is protected within these provisions. It focuses on several *declarations and conventions* (the UDHR, the ICESCR, and the ICCPR), and on *organizations* (UNESCO, the Organization of American States, and the Council of Europe). Finally, it discusses the right to cultural identity in relation to indigenous peoples in general and one example thereof: the Sami in northern Scandinavia. Not only are the provisions themselves discussed, but also their drafting processes and dominant interpretations by academic scholars. The book is not intended to be interdisciplinary: it is primarily focused on international law, whereas the other disciplines serve as auxiliary science.

3. THE RIGHT TO CULTURAL IDENTITY AS A HUMAN RIGHT

Under which conditions can the right to cultural identity be developed as a full-grown separate category within the framework of international human rights law? Donders argues that at least two conditions should be met. The first condition is that this right must be essential for the protection of human dignity.

In this book, human dignity is considered a basic value, or . . . an 'intrinsic worth'. Respect for human dignity implies that individuals are not treated as instruments or objects of the will of others. Instead, individual choices in matters of beliefs, way of life, ideas and feelings should be respected. Human dignity is clearly violated if certain treatment humiliates beliefs and choices of individuals. Respect for human dignity implies also respect for the communities that individuals are part of. (p. 17)

She claims that within the international human rights debate, the value of cultural membership for human dignity is 'generally agreed on' (p. 63). The second condition is that the right to cultural identity must be *justiciable*. A right is justiciable if it can be subjected 'to the scrutiny of a court of law or another judicial or quasi-judicial body' (p. 18). This implies that such a right must be sufficiently clear and refer to concrete obligations for government (pp. 18, 66–7).

A complicating factor is the presumed collective character of the right to cultural identity. Defenders of collective rights argue that membership of a cultural community is central for the human dignity of its members and that, consequently, these communities should be protected by collective rights. They claim that the introduction of collective human rights is necessary, because the individualistic character of other human rights makes them unfit for the protection of cultural communities. Critics, however, argue that this collective character of the right to cultural identity might have unfortunate effects. It could be abused by repressive regimes for supporting intolerable practices – intolerable in the sense of justifying the violation of other human rights, especially civil and political rights.³

Donders's aim in this book is to investigate whether a separate right to cultural identity (whether collective or individual) is desirable, necessary, or possible. She conceptualizes *culture* as 'a dynamic process, without fixed centres or precise boundaries. It is a complex system of beliefs and practices, which can change and develop, although there is a certain core' (p. 29). *Cultural identity* is conceptualized as the personification of a culture, the relation between the person and her culture (p. 30). It can involve various aspects of culture: arts, literature, religion, language, cultural heritage, and education, but also habits, traditions, customs, and institutions (pp. 30, 327). If cultural identity is important for human dignity, we should seek to find ways to protect it within the political and legal framework. One question is whether such cultural rights should be a *collective right*, assigned to the community as such, or a *group right*, which is a group-differentiated individual right (p. 49). Moreover, a right to cultural identity can be recognized in the form of *soft law*, containing guidelines

3. These arguments are similar to those made by Barry against multiculturalism (*supra* note 2).

of conduct, not legally binding norms of law laid down in declarations and having moral and political value, but with a limited legal value. *Hard law* is expressed in legally binding instruments such as treaties (pp. 79–80).

In her analysis of the established human rights provisions she concludes that the right to cultural identity is used only as soft law: it is seen as a general value, that deserves to be respected and that underlies several specific rights for members of minority cultures.

As a general conclusion, Donders argues that the right to cultural identity should not be recognized as a separate right within the framework of international human rights law. First she refutes the right to cultural identity as a *collective* right. Following Galenkamp and other theorists, she argues that such collective rights may lead to a process of making absolute collective identities and policies of conservation of identity (p. 55). This may result in the locking up of individual members in their community, leading to the suppression of internal opposition and the possible violation of individual rights. She concludes:

I am not convinced that the protection of cultural communities and cultural identities should take place through collective rights . . . The definition of the community and its cultural identity poses difficulties, but more important are the arguments of locking up individuals in a collective cultural identity, the relation between the individual and the community and the possible conflict between individual and collective rights. An individual approach appears more appropriate, because cultural communities only exist through the consent of the members of the community. In my view, communities should not be allowed to oppress individuals by invoking collective rights. (p. 57)

Moreover, in the final chapter, Donders concludes that the right to cultural identity should not be developed at all, neither in the form of hard law nor as soft law:

[T]ranslating cultural identity into a separate right is neither desirable nor necessary. It is not desirable because translating the vague and general concept of cultural identity into a right would risk abuse or suppression of individual rights and freedoms within a cultural context. It is not necessary because existing cultural rights in the broad sense already offer possibilities for the protection of cultural identity. Hence, a separate right to cultural identity cannot satisfy the criteria for the proliferation of human rights, namely, that new rights should only be developed if they truly add something to the existing human rights, if there is sufficient consensus among States, and if they are sufficiently clear to bring about rights and obligations. (p. 337)

The refutation proceeds in three steps. In the first step it is concluded that the comprehensive nature of cultural identity cannot be reduced to a concrete and justiciable right. 'A right, especially if it were to have a justiciable character, should be sufficiently clear to be used before a judicial body, and the State obligations to the right should be concrete' (p. 337). In itself this is not enough for the refutation of the right to cultural identity, since other human rights also sometimes relate to vague and dynamic concepts. Therefore she adds a second step, concluding that: 'It is the risk of the abuse of this vague and broad right, for example the suppression

of individual rights and freedoms, that is decisive' (p. 338). It can be misused to excuse questionable cultural practices within cultural communities. The third step argues that existing human rights provisions 'already offer possibilities in relation to the protection of (aspects of) cultural identity': non-discrimination, the freedom of religion, expression, and association, and the right to education (p. 339). These human rights provisions protect indirectly the right to cultural identity as a general value.

4. AN EVALUATION OF *TOWARDS A RIGHT TO CULTURAL IDENTITY?*

This book has several strengths: it is well written and well organized, and the author shows great scholarship in the field of international human rights. The book gives a comprehensive overview of many aspects of the right to cultural identity in international law and its defence in conventions, declarations, and covenants. It not only gives an extensive overview of human rights arrangements in which the right to cultural identity has been discussed; the author also elaborates on conceptual and normative issues surrounding this subject. I have one major point of criticism. For an investigation into the desirability of the introduction of a right to cultural identity, the book focuses too much on the legal debate on human rights while the *reason why* human rights are so important, namely the protection of human dignity, remains underexposed. I think that some issues in the contemporary human rights debate might benefit from a shift in emphasis from human rights to human dignity. I will elaborate this point by playing the devil's advocate and raising some questions about the conclusion concerning the indefensibility of the right to cultural identity. Since the book is written in the tradition of human rights research, my discussion is only partly a critique, and more an attempt to broaden the debate. I will focus on two issues: the distinction between normative and descriptive analysis (section 5), and the right to cultural identity as a *separate* category of human rights (section 6).

5. NORMATIVE VS. DESCRIPTIVE ANALYSIS

The strength of the book is its combination of conceptual, normative, and descriptive analysis. Unfortunately this comprehensive character is also a weakness, because the author seems to conflate two forms of analysis that should be kept separate: descriptive and normative.⁴ A *descriptive* analysis is offered by an external observer of the debate. One describes the situation of the right to cultural identity in political and legal debates, its development over time, and maybe even presents a forecast of possible future developments. One describes its implementations in conventions, declarations, and so on, and explains why governments are reluctant to recognize

4. This division is endorsed by the author when she distinguishes the study of law as it is (*de lege lata*) and the desirable development of the law (*de lege feranda*) (p. 19).

specific human rights. A *normative* analysis implies participation in the debate. If one is of the opinion, as the author is, that the right to cultural identity is an important element of respect for human dignity, one should seek to clarify the conceptual and normative issues. One should seek ways to overcome the problems that block the translation of the issue into rights. One starts from the value of human dignity, and aims to make as strong a case as possible for the inclusion of a right to cultural identity in the international bill of human rights. This is what Rawls calls the realist-utopian position: presenting a normative defence that 'extends what are ordinarily thought of as the limits of practical political possibility'.⁵ This implies a critical distance from actual political debates. One's first worry should not be the political feasibility of the proposal; instead, one hopes to influence the political debate by giving additional arguments for one's position. One can do both, as the author does, but both analyses should be kept separate. In this book the two lines of argument are conflated. The author starts with the normative project, defending the importance of the right to cultural identity as an interpretation of human dignity. However, as the argument proceeds, this normative aim becomes watered down as political and pragmatic arguments are also taken into consideration (see for example pp. 338–9). Her strength in her conceptual and normative analysis is that it is not only based on academic debates in anthropology, sociology, and political theory, but also includes information from actual debates such as the discussions of the Fribourg Group (pp. 76–9) and the chapters on the right to cultural identity in several human rights provisions (chs. 4–11). However, she not only includes conceptual and normative building blocks for her argument, she also starts worrying about the political feasibility of the proposal (p. 78).

She takes the opinions of national states as a *fait accompli*, and does not critically scrutinize these opinions. The fact that some countries would not accept specific human rights need not undermine a normative defence of such human rights. The fact that China and other Asian tigers dispute (elements of) the Universal Declaration of Human Rights does not in itself undermine the value of human rights as a critical instrument for evaluating these and other regimes. On the contrary, a focus on human rights pre-eminently enables us to take a critical distance from actual policies of actual governments, and criticize them from the point of view of lack of respect for human dignity. As Donders herself asserts: 'Human dignity is the source of human rights. Human rights are derived from the basic value of human dignity, not from the State or any other authority. This implies that human rights are for everyone and that these rights cannot be taken away' (p. 17).

A similar argument can be made for the right to cultural identity. In some cases, the fact that some governments do oppose such a right should be an additional reason for an impassioned normative defence for the inclusion of the right to cultural identity in the human rights provisions. One should not focus primarily on the question whether the right to cultural identity is accepted by governments; instead, one should seek to give a strong normative defence, based on the idea of human dignity,

5. J. Rawls, *The Law of Peoples* (1999), 6.

of the inclusion of the right to cultural identity as an element of the human rights catalogue.

6. THE RIGHT TO CULTURAL IDENTITY AS A SEPARATE CATEGORY OF HUMAN RIGHTS

While reading the book, I was somewhat confused about the status of the right to cultural identity. Although her research question aims to investigate the right to cultural identity as 'a separate right within the framework of international human rights' (p. 9), throughout the book Donders interprets this right as an element of cultural rights. More generally, I find the conceptual framework of the relationship between human rights unclear, not only in her own analysis, but also in the human rights discourse in general (as described by the author). On the one hand, cultural rights are seen – together with civil, political, economic, and social rights – as an interdependent, indivisible, and interrelated part of the international bill of human rights, as codified in the UDHR, the ICCPR and the ICESCR (p. 2). On the other hand Donders seeks to describe cultural rights as a separate category. As someone unfamiliar with the field of international human rights, I was surprised by this apparent contradiction: *either* the set of human rights is interdependent, indivisible, and interrelated, *or* the several human rights can be described in separate categories. This is not only academic hair-splitting: one of the reasons why Donders denies the right to cultural identity is because it cannot be conceptualized as a separate category. Moreover, viewing the complex of human rights as 'interdependent, indivisible, and interrelated' implicitly assumes that human rights cannot be conflicting. And *if* they do conflict, this formulation does not provide a tool to balance them. At the same time, however, it is perfectly clear that Donders presupposes a hierarchy of human rights, because recognizing (collective) cultural rights should never lead to the suppression of existing (individual) human rights (see pp. 15, 57, 334–5, 337).

As I understand from the book, the description of the relation between the different categories of human rights is problematical. Donders criticizes Karl Vasak's metaphor of generations of human rights because it incorrectly suggests that one generation supersedes and replaces the other (p. 94). Instead, the several categories of human rights are meant to supplement and mutually strengthen each other. However, this character is not displayed in the categorical contradistinctions in which the debate is phrased: the emphasis on differential human rights as *separate* categories, the strict division between individual and collective rights, and so on. For example, Donders concludes that 'From a legal point of view, a right to cultural identity falls *naturally* within the category of cultural human rights' (p. 331; my italics). At the same time, as she asserts, it is clear that the right to cultural identity is also protected by other human rights (e.g. civil rights such as the freedom of religion, expression, and association) (*cf.* p. 74). Another example is a quote in the book, claiming that cultural rights 'jeopardize' the division of human rights into freedom rights and rights demanding state action (p. 71). A large part of chapter 4 (especially pp. 69–76)

is devoted to this problem of the interrelations between the supposedly separate categories of human rights.

A possible solution for this conceptual problem is to shift the emphasis from the human rights themselves to the underlying conceptions of human dignity. Ultimately the central aim of human rights is to protect human dignity. Human dignity can be discussed at several levels of abstraction and has many different aspects. At a high level of abstraction we refer to the *concept* of human dignity itself; at a lower level of abstraction, we refer to different *conceptions* thereof as particular interpretations of the concept in a specific context.⁶ There are many conceptions of human dignity, and the most important of them have been translated into human rights. These different conceptions of human dignity and their inferred human rights are additive and partly overlapping, and each of them is a reaction to different social and political realities. Civil rights emerged as the protection of citizens against the background of absolute monarchs, claiming that human dignity presupposes a minimum of individual freedom and self-determination. Economic rights emerged along with the rise of socialism, claiming that human dignity and self-determination presuppose specific social and economic conditions to be fulfilled. The corresponding catalogue of human rights can therefore not be an essentialist enumeration of separate categories; instead, it is a more or less organic collection of rights, deemed important for the protection of different conceptions of human dignity. Given that human rights have been formulated against the background of differential social and political realities, these rights are not reciprocally exclusive, but, instead, cumulative, partly overlapping, and potentially conflicting (*cf.* p. 73).

This potential conflict between several conceptions of one concept is not uncommon. The concept of human dignity is formulated at such a high level of abstraction that possible disagreements about its interpretation and implementation are concealed. Only when it is made more concrete, that is, translated into conceptions and the accompanying human rights, do these disagreements come to the fore. As Dworkin explains: 'At the first level agreement collects around discrete ideas that are uncontroversially employed in all interpretations; at the second the controversy latent in this abstraction is identified and taken up.'⁷

Instead of using the generations metaphor, we could describe the catalogue of international human rights in terms of a pile metaphor.⁸ The first layer consists of the most fundamental human rights, namely civic and political rights, protecting the accompanying conceptions of human dignity. The second layer, consisting of social and economic rights, presupposes and leans on the first layer, but adds elements that are insufficiently covered by the first layer. Since the later layers presuppose the earlier ones, they can only be defended as long as the rights defended here do not

6. I follow here Dworkin's distinction between 'concept' and 'conception'. See R. Dworkin, *Taking Rights Seriously* (1977), 134–6; *idem*, *Law's Empire* (1986), 71; J. Rawls, *Political Liberalism* (1993), 14, n. 15.

7. Dworkin, *Law's Empire*, *supra* note 6, at 71.

8. This metaphor is inspired by the work of Mark Bovens and Willem Witteveen on the 'edifice of the constitutional state'. See, e.g., M. Bovens and E. Loos, 'The Digital Constitutional State: Democracy and Law in the Information Society', (2003) 4 *Information Polity: The International Journal of Government and Democracy in the Information Age* 7.

obstruct the conceptions of human dignity as defended by the underlying layer. And since the first two layers still do not cover all aspects of human dignity, we have to add a third layer, consisting of cultural rights, possibly including a right to cultural identity.

This metaphor has at least three advantages. For one thing, it is different from Vasak's generations metaphor, in the sense that later rights do not replace their predecessors. Instead, they presuppose them; they are necessary as their foundation. Moreover, with this metaphor the fact that some aspects of cultural identity are already covered by civic rights, such as the freedom of religion, is not a problem (*cf.* 72–4). Finally, additional human rights can only be defended in this model for as long as they are not inconsistent with earlier rights, because they would then undermine the accompanying conception of human dignity. For example, cultural rights can only be defended if they are necessary to protect the accompanying conception of human dignity (e.g. cultural identity), and do not interfere with the conceptions of human dignity protected by civil and political rights. This implies an automatic protection of more basic human rights against later ones, and makes the implicit hierarchy as found in Donders's argument explicit.

This metaphor enables us to defend the right to cultural identity in a conditional way, depending upon the situation under which this right is claimed by a cultural community. As such it can protect specific cultural practices when they provide members of cultural communities with a sense of belonging or personal integrity, since these are seen as one conception of human dignity. And this is precisely what Donders aims to do:

In short, a right to cultural identity should be universally applicable to all communities and individuals, regardless of their language, traditions, geographical place, etc., because cultural identity is an important element of human dignity. The specific implementation of this right may, in principle, vary, depending upon the situation and the cultural identity involved. However . . . the implementation of a right to cultural identity cannot take place unconditionally. To prevent the implementation of a right to cultural identity emptying existing human rights of their meaning, it must not restrict existing human rights. (p. 15)

7. CONCLUSION

Donders's conclusion that 'translating cultural identity into a separate right is neither desirable nor necessary' (p. 337) cannot be drawn from the evidence she provides in the book. Her first argument, the ontological vagueness of cultural identity, is weaker than her presentation would have us believe. I agree that it is very hard to conceptualize cultural identity in sociology and anthropology, because in these fields one seeks to understand cultural identity *as such* (*cf.* ch. 2). However, in political-theoretical and legal debates the conceptualization of cultural identity is a less holistic task. The question of the protection of cultural identity only comes up when it is in danger. For one thing, cultural identity comes to the surface when it is directly confronted with other cultural identities (p. 35). Moreover, the awareness of one's cultural identity is strengthened when this identity is in jeopardy (p. 328). So,

although it is true that cultural identity in general is hard to conceptualize, at the moments relevant for this debate – when endangered – it seems to be more tangible than in other situations.

The second argument is that the right to cultural identity '*might be abused* to excuse questionable cultural practices within cultural communities' (p. 338, my emphasis). However, in other cases the right to cultural identity *might be used* to support valuable cultural practices against unjustified prohibitions by illiberal governments.⁹ The implicit assumption throughout the book is that cultural communities can be (and are actually) oppressive and states can't, for example: 'In my view, communities should not be allowed to oppress individuals by invoking collective rights' (p. 57). But isn't this a peculiar assumption, especially in a defence of human rights?

Of course, not all cultural practices can be supported, for example female circumcision, because it conflicts with another conception of human dignity: namely personal integrity (as protected by civil rights). But the fact that some (or maybe even many) practices cannot be defended for this reason does not undermine the right to cultural identity *as such* as an interpretation of a specific conception of human dignity. Indeed, the questions are (i) to what extent a cultural practice is essential for human dignity; and (ii) to what extent this practice is in conflict with another conception of human dignity. These questions cannot be answered in general, but have to be dealt with on a case-by-case basis by a court of law, such as the European Court of Human Rights. Such a decision should be made by balancing (the importance of) the relevant conceptions of human dignity.

The third argument claims that existing human rights provisions already offer possibilities in relation to the protection of (aspects of) cultural identity (p. 339). But Donders does not reassure us that all relevant cultural practices are protected by these other human rights. The right to cultural identity might still be relevant for cultural practices that:

- (1) contribute substantively to their members' identity and sense of integrity, that is, they are essential for their human dignity;
- (2) do not violate other conceptions of human dignity (e.g. personal integrity); and
- (3) are not covered by other human rights that protect aspects of cultural identity.

I am not sure whether such practices exist. However, the argument in this book cannot ensure that they do not exist. To identify them we have to focus on the relation between cultural identity and conceptions of human dignity, and discuss whether all relevant conceptions of human dignity are covered by existing human rights.

However, these issues can only be identified in a normative analysis that focuses on the importance of (differential conceptions of) human dignity, the relation

9. For a discussion in multiculturalism on the limited role of governments that have oppressed minority groups see: J. Spinner-Halev, 'Feminism, Multiculturalism, Oppression, and the State', (2007) 112 *Ethics* 94–8.

between human dignity and human rights, and the possible conflicts between several conceptions of human dignity and their related human rights. That is, these debates on international human rights law could benefit from a more thorough analysis of normative political philosophy, especially contemporary multiculturalism.¹⁰

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Tanaka Akihiko, *The New Middle Ages: The World System in the 21st Century*, translated by Jean Connell Hoff, Tokyo, International House of Japan, 2002, 264 pp. (first published as *Atarashii 'chūsei' 21seiki no sekai shisutemu* (1996)).

DOI: 10.1017/S0922156503221385

1. WHAT'S NEW ABOUT THE NEW MIDDLE AGES?

For more than fifteen years now there has been a diffuse feeling that the world is in a state of metamorphosis, but it is not quite clear what end-state, if any, this entails. There is a certain hypnotic effect of such fashionable catchwords as postmodernism, globalization, and global governance. Most of these catchwords are ahistorical in that they create the image of a world radically different from anything we know from the past.

To ward off this hypnotic effect, one may check the heuristic value of historical analogies such as hegemony and – why not? – empire. From the historical armoury, new medievalism is still another conceptual tool to grasp the present historical transformation. Expressed in the briefest formula, new medievalism is the idea that the emergent world system has important structural similarities with the European Middle Ages.

Historical analogies are always problematic in that they may blind us to what is novel in the present historical conjuncture. But to the extent that the diagnosis of a new medievalism is empirically warranted, it has the decisive advantage that at least to a certain extent it avoids the ahistorical blindness of other diagnostic instruments.

Of course one may object that new medievalism has a Eurocentric cultural bias. When talking about the new Middle Ages,¹ it is almost always the European Middle Ages to which one is referring. On the other hand, it is all the more astonishing that from time to time there are non-European voices talking about new medievalism.

10. For some recent normative work in normative political philosophy that could be relevant, see M. Ignatieff, *Human Rights as Politics and Idolatry* (2001); A. Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (2001); W. Kymlicka and M. Opalski, *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (2001); W. Kymlicka, *Contemporary Political Philosophy. An Introduction* (2002), 327–76; T. Pogge, 'Human Rights and Human Responsibilities', in C. Cronin and P. De Greiff (eds.), *Transnational Politics and Deliberative Democracy* (2002).

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1. H. Bull, *The Anarchical Society: A Study of Order in World Politics* (1977), 254–5, 264–76.